

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, May 13, 2009
9:00 a.m.

Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

The purpose of this meeting is for the Regional Board to obtain testimony and information from concerned and affected persons and to make decisions based on the information received. Persons who want to submit written comments or evidence on any agenda item must comply with the procedures described in the agenda and agenda notes. Persons wishing to speak at the meeting should complete an attendance card (see Note F, attached to this Notice). The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than noon on Wednesday, April 29, 2009,* and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 15 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, May 6, 2009 will not be provided to the Regional Board members and may not be considered by the Regional Board (See Note D, attached to this Notice).

****PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS OR MAY HAVE A SEPARATE HEARING PROCEDURES DOCUMENT THAT ESTABLISHES DIFFERENT DEADLINES FOR SUBMITTING WRITTEN MATERIALS. IN THOSE CASES THE DIFFERENT DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: rb9agenda@waterboards.ca.gov to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE D, attached to this Notice, refers to the procedures that will be followed by the Regional Board in contested adjudicatory matters if a separate Hearing Procedures Document has not been issued for a particular agenda item. Parties requesting an alternate hearing process must do so in accord with the directions in NOTE D. Any such request, together with supporting material, must be received in the Regional Board's office no later than noon on Wednesday, April 29, 2009.

Copies of the agenda items to be considered by the Regional Board are posted on the Regional Board's website at http://www.waterboards.ca.gov/sandiego/board_info/agendas

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Board regarding a matter within the Board's jurisdiction that is not related to an item on this Meeting agenda and is not scheduled for a future Meeting. **Comments will generally be limited to three minutes, unless otherwise directed by the Chair.** Any person wishing to make a longer presentation should contact the Executive Officer at least ten days prior to the meeting.
3. Minutes of Board Meeting: April 8, 2009.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

Consent Calendar: Items 5 through 10 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed.)

5. Revision of Waste Discharge Requirements, Oakzanita Springs Park, Ownership Change, San Diego County (Tentative Addendum No. 1 to Order No. 94-014) (*Fisayo Osibodu*)
6. Revision of Waste Discharge Requirements, Thousand Trails Pio Pico, Name Change, San Diego County (Tentative Addendum No. 1 to Order No. 84-06) (*Fisayo Osibodu*)
7. Rescission of Waste Discharge Requirements, Rescission of Order No. 94-75 for Northrop Grumman Space Technology and Mission Systems Corporation in San Clemente, Orange County and Rescission of Order No. 96-58 for Oak Grove Fish Farm in Descanso, San Diego County (Tentative Order No. R9-2009-0046) (*Cathryn Henning*)
8. Revision of Waste Discharge Requirements, California Department of Transportation, Tecate Truck Inspection Station, San Diego County (Tentative Addendum No. 1 to Order No. R9-2007-0148) (*Cathryn Henning*)

9. Administrative Assessment of Civil Liability, Mountain Water Ice Company, Oceanside Ice Plant. The Regional Board will consider adoption of a tentative Order that would impose a \$243,000 mandatory minimum penalty recommended in Amended Complaint R9-2008-0161 for violations of effluent limitations prescribed in Waste Discharge Requirements Order No. R9-2005-0015, NPDES No. CA0108391. The Regional Board may approve, modify, or reject assessment of the recommended penalty. If the Regional Board rejects the tentative Order, the matter may be rescheduled to a future public hearing at which time the Regional Board will consider assessment of civil liability. (Tentative Order R9-2009-0075) (*Rebecca Stewart*)
10. Time Schedule Order with Interim Effluent Limitations: Mountain Water Ice Company, Oceanside Ice Plant, Waste Discharge Requirements Order No. R9-2005-0015, NPDES No. CA0108391. (Tentative Order No. R9-2009-0047) (*Rebecca Stewart*)

Remainder of the Agenda (Non-Consent Items):

11. NPDES Permit Revision and Approval of Flow, Entrainment and Impingement Minimization Plan: Poseidon Resources Corporation, Proposed Carlsbad Desalination Project (Order No. R9-2006-0065, NPDES No. CA0109223). The Regional Board will consider approval of a March 9, 2009 Flow, Entrainment and Impingement Minimization Plan, including a Marine Life Mitigation Plan, as revised March 27, 2009 (Minimization Plan), required by section VI.C.2.e. of Order No. R9-2006-0065 and will consider related amendments to Order No. R9-2006-0065 to require the Discharger to implement and comply with the Minimization Plan under specified conditions of operation. Order No. R9-2006-0065 is not being reopened for any other purposes. At its meeting on April 8, 2009, the Regional Board closed the public hearing in this matter and will not accept new evidence or testimony. The Regional Board will only accept written and oral comments on staff's proposed revisions made to the Tentative Order following the April 8, 2009 meeting. Any such written comments must be submitted by May 6, 2009 at 5:00 p.m. The Regional Board will also consider staff's responses to the comments that were previously submitted throughout the proceeding. (Tentative Order No. R9-2009-0038) (*Michelle Mata*)
12. Administrative Assessment of Civil Liability, South Orange County Wastewater Authority, the South Coast Water District Groundwater Recovery Facility. The Regional Board will consider adoption of a tentative Order that would impose a \$204,000 mandatory minimum penalty recommended in Complaint No. R9-2009-0028 for violations of Order No. R9-2006-0054, NPDES No. CA0107417, Waste Discharge Requirements for the South Orange County Wastewater Authority, Discharge to the Pacific Ocean Via the San Juan Creek Ocean Outfall, Orange County. The Regional Board may approve, modify, or reject assessment of the recommended penalty. The deadline for the submission of evidence and legal argument pertaining to the Complaint was Monday, April 27, 2009. (Tentative Order R9-2009-0048 (*Jeremy Haas*))
13. *Closed Session* - Discussion of Ongoing Litigation [Authorized under Government Code Section 11126, subd. (e)]
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:
 - a. *People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Carlos Marin, an individual in his capacity as Commissioner of the International Boundary and Water Commission, United States Section, et al., Complaint for Violations of the Clean Water Act and Related State Law Claims.*

United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS) (filed February 2001). (*John Robertus*)

- b. *Surfrider Foundation v. California Regional Water Quality Control Board -- San Diego Region and California State Water Resources Control Board; (Cabrillo Power I, LLC, Real Party-in-Interest)*, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2007-00069621-CU-PT-CTL (filed July 2007). (*Brian Kelley*)
 - c. *William G. Dickerson and Heidi Dickerson, Husband and Wife; Larry Gunning and Penelope L. Gunning, Husband and Wife; and Perry & Papenhausen, Inc., a California Corporation v. San Diego Regional Water Quality Control Board, a Public Entity*, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2007-00075846-CU-WM-CTL (filed September 2007). (*Frank Melbourne*)
 - d. *In re: Test Claim on California Regional Water Quality Control Board, San Diego Region, Order No. R9-2007-001, (NPDES No. CAS0108758) Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority adopted on January 24, 2007. Test Claim filed by San Diego County, et al., with Commission on State Mandates, No. 07-TC-09 (filed June 2008).* (*Catherine George Hagan*)
 - e. *Surfrider Foundation v. California Regional Water Quality Control Board -- San Diego Region, (Poseidon Resources, Real Party-in-Interest)*, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2008-00091983-CU-WM-CTL (filed September 2008). (*Michelle Mata*)
- 14. *Closed Session* - Consideration of Initiation of Litigation or Discussion of Significant Exposure to Litigation
The Regional Board may meet in closed session to initiate or consider initiating litigation against persons who are alleged to have violated the Porter-Cologne Water Quality Control Act or the federal Clean Water Act or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)] (*John Robertus*)
 - 15. *Closed Session* - Deliberation on a Decision to be Reached Based on Evidence Introduced in a Hearing
The Regional Board may meet in closed session to consider evidence received in an adjudicatory hearing and to deliberate on a decision to be reached based upon that evidence [Authorized under Government Code Section 11126(c)(3)]
 - 16. *Closed Session* - Personnel
The Regional Board may meet in closed session to consider personnel matters involving public employees [Authorized under Government Code Section 11126(a)]
 - 17. Arrangements for Next Meeting and Adjournment
Wednesday, June 10, 2009 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

A. Workshop - Tentative WDRs for the Gregory Canyon Landfill

A workshop has been scheduled on the tentative waste discharge requirements for the Gregory Canyon Landfill for April 29, 2009 from 2:30 to 5:00 at the Escondido City Council Chambers. The workshop will be conducted by staff, but Regional Board members may attend. The purpose of the workshop is for staff to briefly introduce the requirements in the Order and the public participation process, to receive oral comments, and to begin answering questions from the public and project proponent. You may visit our web site for more information: http://www.waterboards.ca.gov/sandiego/water_issues/programs/land_discharge/gregory_canyon_landfill.shtml (Carol Tamaki)

B. Public Participation 30-day Notice

The Regional Board intends to issue a no further action letter for cleanup of an unauthorized release of petroleum fuel wastes from a leaking underground storage tank case at Building 1255 at Marine Corps Base Camp Pendleton, California. This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. Approximately 1,952 cubic yards of diesel petroleum fuel waste contaminated soil was excavated and about 66 percent (7,359 pounds) of the total petroleum hydrocarbons – diesel mass present at the site was removed in September 2008. A maximum TPH-D concentration of 16,000 milligrams/kilograms was found at 35 feet below ground surface (bgs) in confirmation soil samples. Results from leachability analyses for volatile organic compounds and semi-volatile organic constituents of this sample showed limited leaching potential for volatile organic compounds and semi-volatile organic constituents to impact groundwater. Groundwater was not encountered within the depth of investigation (to 65 feet bgs). Based upon the existing information, the residual concentrations of fuel constituents do not appear to pose a threat to human health or the environment under current land use conditions, and the unauthorized release case may be closed. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter in June 2009. (Helen Yu)

C. Public Participation 30-day Notice

The Regional Board intends to issue a no further action letter for cleanup of an unauthorized release of petroleum fuel wastes from a leaking underground storage tank (UST) case at Building 1313 at Marine Corps Base Camp Pendleton, California. This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. Approximately 387 cubic yards of diesel petroleum fuel waste contaminated soil was excavated and greater than 82 percent (2,277 pounds) of the total petroleum hydrocarbons - diesel mass present at the site was removed in November 2007. A maximum total petroleum hydrocarbons - diesel concentration of 13,000 milligrams/kilograms was found at 14 feet below ground surface (bgs) in confirmation soil samples. Following soil excavation, four quarters of groundwater monitoring were performed between January and October 2008. The pollution from diesel fuel wastes in groundwater was found to be stable, with a maximum total petroleum hydrocarbons – diesel concentration of 2.8 milligrams per liter detected in one monitoring well close to the source zone. Based upon the existing information, residual concentrations of diesel fuel constituents are likely to naturally attenuate to environmental screening levels that are protective of human health and environment under the current land use conditions (for example, 210 micrograms per liter of total petroleum hydrocarbons as diesel, SF Bay RWQCB ESLs, 2008). Further, the residual environmental pollutants do not appear to pose a threat to human health or the environment as long as the current land use condition remain unchanged, and the unauthorized release case may be closed. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter in June 2009. (Helen Yu)

D. Public Participation 30-day Notice

The Regional Board intends to issue a no further action letter for cleanup of an unauthorized release of petroleum fuel wastes from a leaking underground storage tank case at Building 43333 at Marine Corps Base Camp Pendleton, California. This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. Since monitored natural attenuation was approved as the corrective action for the site in November 2006, eight quarters of groundwater monitoring was performed between November 2006 and January 2009. The diesel fuel waste impacted groundwater plume was found to be stable, with a maximum total petroleum hydrocarbon - diesel concentration of 3.2 milligrams per liter detected in the monitoring well located within the source zone. Based upon the existing information, the residual concentrations of fuel constituents are likely naturally attenuated to environmental screening levels that are protective of human health and environment under the current land use conditions (for example, 210 micrograms per liter of total petroleum hydrocarbons as diesel, SF Bay RWQCB ESLs, 2008). Further, the residual environmental pollutants do not appear to pose a threat to human health or the environment, and the unauthorized release case may be closed. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter in June 2009. *(Helen Yu)*

E. Public Participation 30-day Notice

The Regional Board intends to issue a no further action letter for cleanup of an unauthorized release of petroleum fuel wastes from a leaking underground storage tank (UST) at Building 1544 at Marine Corps Base Camp Pendleton, California. This notification is made pursuant to California Code of Regulations, Title 23, Chapter 16, Article 11, section 2728. Removal of the leaking underground storage tank and monitored natural attenuation are the cleanup actions completed to date. Verification monitoring of groundwater showed that residual concentrations of hydrocarbons are minimal and stable. The most recently observed maximum concentration of hydrocarbons in groundwater is 1.3 mg/L of total petroleum hydrocarbons quantified as diesel fuel (TPH-d). The residual concentrations of TPH-d are limited to groundwater perched approximately 20 feet below ground surface beneath the location of the former UST. Groundwater resources located beneath Building 1544 are not a current or a probable future source of drinking water. The current site conditions do not pose a threat to human health or the environment, and the unauthorized release case can be closed. The case files are available for public review by submitting a file review request to the Regional Board office. Provided no significant issues arise during the public notification period, the Regional Board will issue a no further action letter after May 13, 2009. *(Robert Pierce)*

DIRECTIONS TO REGIONAL BOARD MEETING

From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3rd stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.

From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2nd stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.

Agenda Notice for May 13, 2009

NOTES:

A. GENERAL STATEMENT

The primary duty of the Regional Board is to protect the quality of the waters within the region for all beneficial uses. This duty is implemented by formulation and adoption of water quality plans for specific ground or surface water basins and by prescribing and enforcing requirements on all domestic and industrial waste discharges.

Responsibilities and procedures of the Regional Water Quality Control Board come from the State's Porter-Cologne Water Quality Act and the Nation's Clean Water Act.

The purpose of the meeting is for the Board to obtain testimony and information from concerned and affected parties and make decisions after considering the recommendations made by the Executive Officer.

All interested persons may speak at the Regional Board meeting and are expected to orally summarize their written submittals. Testimony should be presented in writing prior to the meeting and only a summary of pertinent points presented orally. Oral testimony (i.e., direct testimony or comment) will be limited in time by the Board Chair (typically 3 minutes for interested persons and no more than 10 minutes for designated parties). A timer may be used and speakers are expected to honor the time limits.

B. PROCEDURE FOR CONSENT (UNCONTESTED) CALENDAR (see also 23 C.C.R. § 647.2)

Consent or uncontested agenda items are items for which there appears to be no controversy and which can be acted upon by the Regional Board with no discussion. Such items have been properly noticed and all interested parties consent to the staff recommendation. The Regional Board Chair will recognize late revisions submitted by staff and will then call for a motion and vote on all of the consent calendar items by the Regional Board.

If any Regional Board member or member of the public raises a question or issue regarding an item that requires Regional Board discussion, the item may be removed from the consent calendar and considered separately in an order determined by the Chair. Anyone wishing to contest a consent item on the agenda is expected to appear in person at the Regional Board meeting and explain to the Regional Board the reason that it is contested.

C. PROCEDURE FOR INFORMATION ITEMS (see also 23 C.C.R. 649, et. seq.)

Information items are items presented to the Regional Board for discussion only and for which no Regional Board action or vote is normally taken. The Regional Board usually will hear a presentation by staff, but may hear presentations by others. Comments by interested persons shall also be allowed. Members of the public wishing to address the Regional Board on the topic under discussion should submit an attendance card beforehand indicating their request to speak to the Regional Board. Comment from the public should be for clarification or to add to the Regional Board's understanding of the item; such comment must not be testimonial in nature or argumentative, as speakers are not under oath and the proceeding is not adversarial. Time limits may be imposed on interested persons.

D. PROCEDURES FOR NON-CONSENT (CONTESTED) AGENDA ITEMS

Non-consent or contested agenda items are items to which the parties involved have not consented and the staff recommendation is in dispute. The procedure that applies to such items depends on the nature of the matter. Matters before the Regional Board may be quasi-legislative or quasi-judicial (adjudicative proceedings). Such items may require a public hearing and all interested persons will be provided an opportunity to make comments.

Contested Adjudicative Matters

Contested agenda items that are adjudicative, not quasi-legislative, are governed by the rules for adjudicative proceedings. State Water Resources Control Board (State Water Board) regulations setting forth the procedures for adjudicative proceedings before the State and Regional Water Boards are codified in Title 23, California Code of Regulations, Division 3. Adjudicative proceedings before the State and Regional Water Boards are governed by State Water Board regulations as authorized by Chapter 4.5 of the Administrative Procedures Act (commencing with section 11400 of the Government Code). State Water Board regulations further provide that, with certain exceptions, adjudicative proceedings will be conducted in accordance with sections 800-805 of the Evidence Code and section 11513 of Chapter 5 of the Government Code. (Other provisions of Chapter 5 of the Government Code do not apply to adjudicative proceedings before the State and Regional Water Boards). A copy of those regulations and Chapter 4.5 of the Administrative Procedures Act, section 11513 of the Government Code and sections 801-805 of the Evidence Code can be found at http://www.waterboards.ca.gov/laws_regulations/.

An adjudicative proceeding is a hearing to receive evidence for determination of facts pursuant to which the State or Regional Water Board formulates and issues a decision. A decision determines a legal right, duty, privilege, immunity or other legal interest of a particular person or persons. Examples of adjudicative proceedings include hearings to receive evidence concerning the issuance of waste discharge requirements or National Pollutant Discharge Elimination System (NPDES) permits, concerning cease and desist orders, and concerning orders imposing administrative civil liability. Adjudicative proceedings are not conducted according to the technical rules of evidence, and the Regional Board will accept testimony and comments that are reasonably relevant to the issues before the Board. Testimony or comments that are not reasonably relevant, or that are repetitious, will be excluded.

In some adjudicative matters, a separate Hearing Procedures Document has been issued. In those cases, the procedures set forth in that Document will apply, subject to discretionary modification by the Chairman. For other adjudicatory matters, the Chair may establish specific procedures for each item, and consistent with section 648, subdivision (d) of title 23 of the California Code of Regulations may waive nonstatutory provisions of the regulations. Generally, all witnesses testifying before the Regional Board must affirm the truth of their testimony and are subject to questioning by the Board Members.

Agenda Notice for May 13, 2009

Absent a separate Hearing Procedures Document, the Board normally conducts adjudicative proceedings in an informal manner. That is, the Board does not, generally, require the designation of parties, the prior identification of witnesses, prior submission

of written testimony, or the cross examination of witnesses. Any requests for an alternate hearing process should be directed to the Executive Officer and must be received by the Regional Board by the deadline set forth on pages 1-2 of the Agenda.

When the Regional Board determines that a hearing will be formal (as opposed to informal, as described above), participants in a contested agenda item are either "designated parties" or "interested persons." Only designated parties will have the right to cross-examination, and may be subject to cross-examination. Interested persons (i.e., nondesignated parties) do not have a right to cross-examination, but may ask the Regional Board to clarify testimony. Interested persons may also be asked to clarify their statements at the discretion of the Regional Board.

Designated parties include:

- Staff of the Regional Board
- Discharger or Responsible Party
- Persons directly affected by the discharge

All other persons wishing to testify or provide comments for a formal hearing are "interested persons" and not "designated parties." Such interested persons may request status as a designated party for purposes of the formal hearing by submitting such request in writing to the Regional Board no later than the date specified at the beginning of the Agenda Notice or in the applicable Notice of Public Hearing or Hearing Procedures Document. The request must explain the basis for status as a designated party and, in particular, how the person is directly affected by the discharge.

All persons testifying must state their name, address, affiliation, and whether they have taken the oath before testifying. The order of testimony for formal hearings generally will be as follows, unless modified by the Regional Board Chair:

- Testimony and cross-examination of Regional Board staff
- Testimony and cross-examination of discharger
- Testimony and cross-examination of other designated parties
- Testimony by interested persons
- Closing statement by designated parties other than discharger
- Closing statement by discharger
- Closing statement by staff
- Recommendation by Executive Officer (as appropriate)
- Close hearing
- Deliberation and voting by Regional Board

Closing statements shall be for the purpose of summarization and rebuttal and are not to be used to introduce new evidence or testimony. After considering evidence, testimony, and comments, the Regional Board may choose to adopt an order regarding a proposed agenda item.

Quasi-legislative Matters

Quasi-legislative matters include rulemaking and some informational proceedings. These matters may include hearings for the adoption or amendment of regulations, water quality control plans, and hearings to gather information to assist the State and Regional Water Boards in formulating policy for future action. They are not adjudicative proceedings and are subject to different procedures. (See PROCEDURE FOR INFORMATION ITEMS, above, and Cal. Code Regs. Tit. 23, § 649, et seq.)

E. CONTRIBUTIONS TO REGIONAL BOARD MEMBERS

Persons applying for or actively supporting or opposing waste discharge requirements or other Regional Board orders must comply with legal requirements if they or their agents have contributed or proposed to contribute \$250 or more to the campaign of a Regional Board member for elected office. Contact the Regional Board for details if you fall into this category.

F. PROCEDURAL INFORMATION

The Regional Board may meet in closed session to discuss matters in litigation, including discussion of initiated litigation, significant exposure to litigation, or decisions to initiate litigation [Authority: Government Code § 11126(e)]; deliberate on a decision to be reached based upon evidence introduced in an adjudicatory hearing [Authority: Government Code § 11126(d)]; or to consider the appointment, employment or dismissal of a public employee to hear complaints or charges brought against a public employee [Authority: Government Code § 11126(a)].

The Regional Board may break for lunch at approximately noon at the discretion of the Chairman. During the lunch break Regional Board members may have lunch together. Other than properly noticed closed session items, Regional Board business will not be discussed.

Agenda items are subject to postponement. A listing of postponed items will be posted in the meeting room. You may contact the designated staff contact person in advance of the meeting day for information on the status of any agenda item.

Speaker Cards. All persons desiring to address the Regional Board are required to fill out a speaker card. Cards are normally provided near the entrance to the meeting room. Regional Board staff can assist you in locating the cards.

Please fill out a separate card for each item you plan to speak on. All relevant sections, including the oath, must be completed. Please use the appropriate color card, as indicated below:

Blue: Public Comments (for items requiring no Regional Board action - Public Forum, status reports, etc.).

Green: Public Testimony, in support of the tentative action.

Pink: Public Testimony, opposed to the tentative action.

Agenda Notice for May 13, 2009

G. AVAILABILITY OF EXECUTIVE OFFICER'S REPORT AND AGENDA MATERIAL

Visit our website at www.waterboards.ca.gov/sandiego to view the Executive Officer's Report over the internet two days prior to the Regional Board meeting. A copy can also be obtained by contacting the staff office. A limited number of copies are available at the meeting.

Copies of most agenda items to be considered by the Regional Board are posted on the Regional Board's website at http://www.waterboards.ca.gov/sandiego/board_info/agendas.

Details concerning other agenda items are available for public reference during normal working hours at the Regional Board's office. The appropriate staff contact person, indicated with the specific agenda item, can answer questions and provide additional information. For additional information about the Board, please see the attached sheet.

H. PETITION OF REGIONAL BOARD ACTION

In accordance with California Water Code section 13320, any person affected adversely by most decisions of the California Regional Water Quality Control Board, San Diego Region (Regional Board) may petition the State Water Resources Control Board (State Board) to review the decision. The petition must be received by the State Board within 30 days of the Regional Board's meeting at which the adverse action was taken. Copies of the law and regulations applicable to filing petitions will be provided upon request.

I. HEARING RECORD

Material presented to the Board as part of testimony (e.g. photographs, slides, charts, diagrams etc.) that is to be made part of the record must be left with the Board. Photographs or slides of large exhibits are acceptable.

All Board files, exhibits, and agenda material pertaining to items on this agenda are hereby made a part of the record.

J. ACCESSIBILITY

The facility is accessible to people with disabilities. Individuals who have special accommodation or language needs, please contact Ms. Lori Costa at (858) 467-2357 or lcosta@waterboards.ca.gov at least 5 working days prior to the meeting. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

K. PRESENTATION EQUIPMENT

Providing and operating projectors and other presentation aids are the responsibilities of the speakers. Some equipment may be available at the Board Meeting; however, the type of equipment available will vary dependent on the meeting location. Because of compatibility issues, provision and operation of laptop computers and projectors for Power Point presentations will generally be the responsibility of the individual speakers. To ascertain the availability of presentation equipment please contact Ms. Lori Costa at (858) 467-2357 or lcosta@waterboards.ca.gov at least 5 working days prior to the meeting.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION
Summary of Board Actions and Proceedings
at the April 8, 2009 Board Meeting

MINUTES

Minutes of March 11, 2009 Board Meeting.

REGIONAL BOARD ACTIONS

Approved minutes.

CONSENT ITEMS

Administrative Assessment of Civil Liability, North County Transit District, Sprinter Crouch Street Station Dewatering. The Regional Board will consider adoption of a tentative Order that would impose a \$15,000 mandatory minimum penalty recommended in Complaint R9-2008-0020 for violations of effluent limitations prescribed in Order No. R9-2001-0096, NPDES No. CAG919002, General Waste Discharge Requirements for Groundwater Extraction Waste Discharges From Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters Within the San Diego Region Except for San Diego Bay. (Tentative Order R9-2009-0043) (*Jeremy Haas*)

Affirmed Order No. R9-2009-0043.

Negative Declaration: Garcia Residence Onsite Wastewater Treatment System, San Diego County (Tentative Resolution No. R9-2009-0025) (*Cathryn Henning*)

Adopted Resolution No. R9-2009-0025.

Waste Discharge Requirements, Garcia Residence, Onsite Wastewater Treatment System, San Diego County (Tentative Order No. R9-2009-0007) (*Cathryn Henning*)

Approved Order No. R9-2009-0007.

Update of Waste Discharge Requirements, California Department of Forestry and Fire Protection, Rainbow Conservation Camp, San Diego County (Tentative Order No. R9-2009-0009) (*Fisayo Osibodu*)

Approved Order No. R9-2009-0009.

Revision of Waste Discharge Requirements, Riverside County Regional Park and Open Space District, Skinner Lake Recreation Area, Riverside County (Tentative Addendum No. 1 to Order No. 95-018) (*Fisayo Osibodu*)

Approved Addendum No. 1 to Order No. 95-018.

CONSENT ITEMS (CON'T)

Rescission of Waste Discharge Requirements, New Owl Rock Products, Wilson Creek San Mining and Processing Facility, Riverside County and North American Indian Missions Inc., Buffalo Valley Campground, Riverside County (Tentative Order No. R9-2009-139 rescinding Order Nos. 2000-139 and 95-046) (*Fisayo Osibodu*)

Revision of Waste Discharge Requirements, Louidar L.L.C., Mount Palomar Winery, Riverside County (Tentative Addendum No. 1 to Order No. 93-125) (*Fisayo Osibodu*)

NON-CONSENT ITEMS

National Pollutant Discharge Elimination System (NPDES) Permit Reissuance: Waste Discharge Requirements for the Padre Dam Municipal Water District Padre Dam Water Recycling Facility Discharge to Sycamore Creek, Tributary to the San Diego River, San Diego County (Tentative Order No. R9-2009-0037, NPDES Permit No. CA0107492) (*Melissa Valdovinos*)

NPDES Permit Revision and Approval of Flow, Entrainment and Impingement Minimization Plan: Poseidon Resources Corporation, Proposed Carlsbad Desalination Project (Order No. R9-2006-0065, NPDES No. CA0109223). The Regional Board will consider approval of a March 9, 2009 Flow, Entrainment and Impingement Minimization Plan, including a Marine Life Mitigation Plan, required by section VI.C.2.e. of Order No. R9-2006-0065 and will consider related amendments to Order No. R9-2006-0065 to require the Discharger to implement and comply with the March 9, 2009 Minimization Plan under specified conditions of operation. Order No. R9-2006-0065 is not being reopened for any other purposes. (Tentative Order No. R9-2009-0038) (*Michelle Mata*)

REGIONAL BOARD ACTIONS

Approved Order No. R9-2009-139 rescinding Order Nos. 2000-139 and 95-046.

Approved Addendum No. 1 to Order No. 93-125.

Approved Order No. R9-2009-0037 with errata.

The hearing was conducted and closed. Staff was directed to prepare responses to comments. Action by the Board was continued to the May 13, 2009 Board meeting.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION

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<u>BOARD MEMBERS</u>	<u>CITY OF RESIDENCE</u>	<u>APPOINTMENT CATEGORY & DATE</u>	
Richard Wright – Chair	Jamul	County Government	11-30-01
David King – Vice Chair	San Diego	Recreation/Wildlife	12-19-06
Eric Anderson	Escondido	Irrigated Agriculture	11-30-01
Wayne Rayfield	Dana Point	Water Quality	11-28-07
Kris Weber	Ladera Ranch	Water Quality	11-28-07
Grant Destache	Chula Vista	Industrial Water Use	10-16-08
George Loveland	Escondido	Water Supply	11-03-08
Gary Thompson	Rancho Santa Margarita	Municipal Government	11-03-08
Marc Luker	Temecula	Undesignated (Public)	02-09-09

Executive Staff

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Michael McCann, *Assistant Executive Officer*
Lori Costa, *Executive Assistant*

State Board Staff Counsel

Catherine Hagan

State Board Member Liaison

Frances Spivy-Weber

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Orange and Riverside Co. Groundwater Unit

Robert Morris, *Sr. Water Resource Control Engineer*
Amy Grove, *Engineering Geologist-C*
Sue Pease, *Environmental Scientist-C*
Fisayo Osibodu, *Water Resource Control Engr-B*

Northern San Diego Co. Groundwater Unit

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Cheryl Prowell, *Water Resource Control Engr-D*
Helen Yu, *Water Resource Control Engr-D*
Robert Pierce, *Water Resource Control Engr-A*
Kelly Dorsey, *Engineering Geologist-D*

Central San Diego Co. Groundwater Unit

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Beatrice Griffey, *Engineering Geologist-D*
Carol Tamaki, *Water Resource Control Engr-D*
Lynn Berlad, *Environmental Scientist-C*
Cathryn Henning, *Water Resource Control Engr-A*
Sean McClain, *Engineering Geologist-C*

South San Diego Co. Groundwater Unit

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Brian McDaniel, *Engineering Geologist-D*
Barry Pulver, *Engineering Geologist-D*
Tom Alo, *Water Resource Control Engr-C*
Chehreh Komeilyan, *Water Resource Control Engr-C*

WATER QUALITY RESTORATION AND STANDARDS BRANCH

David Gibson, *Environmental Program Manager*

Total Maximum Daily Load

Vacant, *Senior Environmental Scientist*
Lisa Honma, *Environmental Scientist-C*
Alan Monji, *Environmental Scientist-C*
Benjamin Tobler, *Water Resource Control Engr-C*
Cynthia Gorham-Test, *Environmental Scientist-C*

Water Quality Standards Unit

Deborah Jayne, *Senior Environmental Scientist*
Deborah Woodward, *Environmental Scientist-C*
Charles Cheng, *Engineering Geologist-D*
Amy Mecklenborg, *Environmental Scientist-B*
Wayne Chiu, *Water Resource Control Engr-D*

Monitoring and Surveillance

Bruce Posthumus, *Senior WRC Engineer*

Compliance Assurance Unit

Jeremy Haas, *Senior Environmental Scientist*
Frank Melbourn, *Water Resource Control Engr-D*
Rebecca Stewart, *Sanitary Engineering Associate*
Joann Cofrancesco, *Water Resource Control Engr-C*

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Business Support Services

DiAnne Broussard, *Administrative Officer II*

Administrative Support Services:

Equilla Harris, *Staff Services Analyst*
Sylvia Wellnitz, *Digital Composition Specialist I*
Rachel Stewart, *Office Technician*
Vacant, *Office Technician*
Amy Cooper, *Associate Governmental Program Analyst*

Information Technology Unit:

Vacant, *Assistant Information Systems Analyst*

SURFACE WATER BASINS BRANCH

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Northern Watershed Unit

James Smith, *Senior Environmental Scientist*

Anthony Felix, *Water Resource Control Engr-C*

Ben Neill, *Water Resource Control Engineer-C*

Chad Loflen, *Environmental Scientist-B*

Central Watershed Unit

Chiara Clemente, *Senior Environmental Scientist*

Peter Peuron, *Environmental Scientist-C*

Michael Porter, *Engineering Geologist-C*

Laurie Walsh, *Water Resource Control Engr-C*

Kristin Schwall, *Water Resource Control Engr-D*

Christopher Means, *Environmental Scientist-C*

Southern Watershed Unit

Eric Becker, *Senior WRC Engineer*

Dat Quach, *Water Resource Control Engr-D*

Christina Arias, *Water Resource Control Engr-C*

Jody Ebsen, *Engineering Geologist-D*

Core Regulatory Unit

Brian Kelley, *Senior WRC Engineer*

Vicente Rodriguez, *Water Resource Control Engr-C*

Melissa Valdovinos, *Water Resource Control Engr-C*

Whitney Ghoram, *Sanitary Engineering Associate*

Michelle Mata, *Water Resource Control Engr-A*

Linda Pardy, *Environmental Scientist-C*